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6 Attorneys for Defendant  
T-MOBILE USA, INC.

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA DISTRICT OF CALIFORNIA

## SAN FRANCISCO DIVISION

1                   MILTON CARDOZA, on Behalf of Himself     ) Case No.: CV08-5120 SC  
2                   and Others Similarly Situated,         )  
3    ) STIPULATION AND [PROPOSED]  
4    ) ORDER EXTENDING TIME TO  
5    ) RESPOND TO COMPLAINT  
6    )  
v.    )  
T-MOBILE USA, INC.,    )  
Defendant.    )

WHEREAS, Plaintiff filed his complaint in the above-titled action on November 10, 2008;

WHEREAS, Plaintiff served Defendant T-Mobile USA, Inc. ("T-Mobile") with the complaint on December 2, 2008:

WHEREAS, T-Mobile currently has until December 22, 2008 to respond to the complaint;

WHEREAS, because of the upcoming holidays, defense counsel need additional time to prepare responsive papers and plaintiffs' counsel have agreed to afford defense counsel such additional time;

WHEREAS, this is T-Mobile's first request for an extension of time to respond to the complaint filed in this matter; and

WHEREAS, the requested extension will not alter the date of any event or deadline already fixed by Court order;

1 IT IS HEREBY STIPULATED AND AGREED among the parties, through their respective  
2 counsel of record, pursuant to Local Rule 6-1(a), that the time for T-Mobile to move to dismiss,  
3 answer, or otherwise respond to the complaint filed in this matter be extended to January 16, 2009.  
4

5 Dated: December 19, 2008

DAVIS POLK & WARDWELL

6 By: /s/ Christopher B. Hockett  
7 Christopher B. Hockett

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9 Attorneys for Defendant T-Mobile

10 Dated: December 18, 2008

11 LAW OFFICE OF PETER FREDMAN

12 By: /s/ Peter B. Fredman  
13 Peter B. Fredman

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15 Attorneys for Plaintiff

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18 IT IS SO ORDERED.

19 Dated December 19, 2008

